

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Benjamin Mario Soto,

Case No. 20-1668 (DWF/ECW)

Plaintiff,

v.

**ORDER**

Minnesota Supreme Court, et al., and  
Minnesota Courts, et al.,

Defendants.

This matter is before the Court on two motions of plaintiff Benjamin Mario Soto. First, Soto requests *in forma pauperis* (“IFP”) status on appeal from the dismissal of this action. (Doc. No. 14.) The Court must deny an IFP application where an appeal is found to be frivolous or taken not in good faith. *See* 28 U.S.C. § 1915(e)(2)(B); Fed. R. App. P. 24(a)(3). The Court concludes that Soto simply does not have a good faith basis upon which to appeal the dismissal of this action. As explained in the Report and Recommendation of Magistrate Judge Elizabeth Cowan Wright (and adopted by this Court), Soto’s request for injunctive relief had become moot by the time that this matter was adjudicated. (Doc. No. 7 at 3-5.) This Court cannot grant the relief sought by Soto in the complaint. Nor, as the Report and Recommendation explained, may this Court sit in appellate judgment of the Minnesota state courts.<sup>1</sup> (*Id.* at 5.) And if these obstacles

---

<sup>1</sup> In the notice of appeal (Doc. No. 13), Soto incorrectly identifies the defendants to this action as the Minnesota Department of Human Services and AFSCME Union Council 5 Local 12181 — i.e., the defendants to the state-court action adjudicated by the

were not enough, the defendants named to this action — the Minnesota Supreme Court and “Minnesota Courts” more generally — are subject to both sovereign and judicial immunity for their actions. This Court cannot identify a good-faith basis upon which to appeal from any one of these findings, much less all three. The IFP application is denied on that basis.

Second, Soto requests that the Court reconsider the order of dismissal. (Doc. No. 12.) Seeing no basis to do so in the motion for reconsideration, the Court denies the request.

### **ORDER**

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The motion for reconsideration of plaintiff Benjamin Mario Soto (Doc. No. [12]) is **DENIED**.

2. Soto’s application to proceed *in forma pauperis* on appeal (Doc. No. [14]) is **DENIED**.

Dated: February 1, 2021

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge

---

Minnesota courts, not the Minnesota courts themselves. This labeling tends to confirm that Soto views this litigation as akin to an appeal from the state court decisions rather than an independent action for relief.